

Appl. No. 09/436,465;
Reply to Office Action of April 20, 2005

REMARKS

This Response is submitted in reply to the Office Action dated April 20, 2005. Claims 1, 11-14, 23-27 and 29-37 are pending in the patent application. Claims 26, 27 and 35-37 were rejected under 35 U.S.C. § 101. Claims 30, 33 and 36 were rejected under 35 U.S.C. § 112. Claims 1, 11-14 and 23-27, 29, 30, 32, 33, 35 and 36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hug et al., U.S. Patent No. 5,806,078 (Hug). Claims 31, 34 and 37 were rejected under 35 U.S.C. § 103(a). Claims 1, 13, 14, 25, 26, 30, 33 and 36 have been amended. No new matter has been added. At least for the reasons set forth below, Applicant believes that the rejections raised in the Office Action have been overcome and thus should be withdrawn.

Claims 26, 27 and 35-37 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, the Office has found objectionable the definition of "distribution medium" as provided in the specification. Applicant respectfully traverses.

As provided in the MPEP § 2106:

the applicant is in the best position to explain why an invention is believed useful. Office personnel should therefore focus their efforts on pointing out statements made in the specification that identify all practical applications for the invention. Office personnel should rely on such statements throughout the examination when assessing the invention for compliance with all statutory criteria. **An applicant may assert more than one practical application, but only one is necessary to satisfy the utility requirement.** Office personnel should review the entire disclosure to determine the features necessary to accomplish at least one asserted practical application. **Emphasis Added**

Thus, only one practical application is necessary to satisfy the utility requirement.

Applicant believes that they have met this requirement. At page 45, lines 9-15, Applicant's specification provides at least one practical application illustrative of the claim term "distribution media" provided as follows:

In each of the first and second embodiments of the present invention, examples of distribution media for providing a computer program which executes the process of each of the above-described embodiments include, in addition to information recording media such as magnetic disks or CD-ROMs, . . .

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Accordingly, Applicant believes that the requirements pursuant to 35 U.S.C. §101 have been satisfied, and thus, this rejection should be withdrawn.

Claims 30, 33 and 36 were rejected under 35 U.S.C. § 112, second paragraph for alleged antecedent basis reasons. In response, Applicants have amended claims 30, 33 and 36 as provided above. This amendment was entered for clarification purposes and further, not intended to narrow or disclaim the claimed subject matter in view of same. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112 be withdrawn.

Of the pending claims at issue with respect to the anticipation rejection in view of Hug, claims 1, 14 and 26 are independent claims. Independent claim 1 recites an information processing apparatus that includes a storage means for repeatedly storing data in a plurality of different states when said data is created or changed, wherein each of said different stored state of said data comprises user input and time information corresponding to a day and/or time at which said data is stored. Further including an application program for use with said data and capable of transmitting said time information to another application program and capable of receiving time information corresponding to a day and/or time from said another application program. A day and time setting means for setting a day and/or time in said application program based on said time information received from said another application program. A control means is included for locating data from said stored plurality of different sets of said data at about said set day and/or time and for reproducing said data corresponding to said set day and/or time. A storage means stores the application program, and said control means reproduces the state of the application program corresponding to the set day and/or time. The application program and said another application program each independently include said time information, where the application program and the another application program are each independently capable of transmitting and receiving the time information.

Independent claim 14 recites an information processing method including the steps of repeatedly storing data in a plurality of different states when said data is created or changed, where each of the different stored state of the data comprises user input and time information corresponding to a day and time at which the data is stored. Transmitting the time information from an application program capable of using the data to another application program. Receiving, in the application program, time information corresponding to a day and time from

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the another application program. Setting a day and time in the application program based on the time information received from the another application program. Locating data from the stored plurality of different sets of the data at about the set day and time. Reproducing the data corresponding to the set day and time and reproducing a state of the application program corresponding to the set day and time. The application program and the another application program each independently include the time information, where the application program and the another application program are each independently capable of transmitting and receiving the time information.

Independent claim 26 recites a computer-readable distribution medium for providing a program. The program includes a storing step for repeatedly storing data in a plurality of different states, wherein each of the different states of the data is based on user input and time information corresponding to a day and time at which the data is stored. The application program and the another application program each independently include the time information, where the application program and the another application program are each independently capable of transmitting and receiving the time information. A day and time setting step for setting a day and time in the application program based on the time information received from the another application program. Locating data from the stored plurality of different sets of the data at about the set day and time. A control step for reproducing the data corresponding to the set day and time and reproducing a state of the application programs corresponding to the set day and time.

Applicant believes that Hug fails to disclose or suggest at least a number of features of the claimed invention. For example, Applicant believes that Hug at least fails to disclose, in part, an information processing apparatus comprising storage means for repeatedly storing data in a plurality of different states when said data is created or changed, wherein each of said different stored state of said data comprises user input and time information corresponding to a day and/or time at which said data is stored. Thus, the claimed invention provides that the storage of data includes user input as supported in Applicants' specification, for example, on page 44, line 12 through page 45, line 2. In contrast, nowhere in Hug is it suggested that the storage of data includes user input. Therefore, Hug on its own is distinguishable from the claimed invention and should be withdrawn in view of same at least based on the reasons discussed above.

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Accordingly, Applicant respectfully requests that the anticipation rejection be withdrawn.

Claims 31, 34 and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hug. Applicant respectfully submits that the patentability of claims 1, 14 and 26 renders moot the obviousness rejection of claims 31, 34 and 37. At a minimum, the cited art fails to teach or suggest the features of claims 31, 34 and 37 in combination with the features of claims 1, 14 or 26 based on at least the above reasons discussed above where Hug cannot be relied on solely in support of the obviousness rejection.

Accordingly, the obviousness rejection in view of Hug should be withdrawn.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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